

**United States District Court
District of Minnesota**

)	
Regents of the University of Minnesota,)	
)	0:07-cv-04732 (PJS/RLE)
Plaintiff,)	
)	
v.)	
)	
AGA Medical Corporation,)	
)	
Defendant.)	
)	

**AGA MEDICAL CORPORATION'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant AGA Medical Corporation (“AGA”) hereby moves this Court, pursuant to Federal Rule Civil Procedure 56, for partial summary judgment on its Fifth, Sixth, Seventh, and Eighth Affirmative Defenses and Third, Fourth, Fifth, and Sixth Counterclaims, that as of June 20, 2004: (1) United States Patent No. 6,077,291 (“the ‘291 patent”) is expired; (2) the ‘291 patent is unenforceable; (3) Reissue Application No. 10/175,669 (“the ‘669 Reissue Application”) is terminated; and (4) the United States Patent and Trademark Office is divested of its authority to reissue the ‘291 patent’s claims under the ‘669 Reissue Application.

This motion is based on the files, records, and proceedings herein, including this Motion, AGA's Notice of Motion, AGA's Memorandum of Law, the Declaration of Tara C. Norgard dated February 1, 2008, and accompanying exhibits, as well as the argument of counsel at hearing and all other submissions and proceedings had in this case. A Proposed Order granting this Motion has been e-mailed to the Court's chambers.

Respectfully submitted,

Dated: February 1, 2008

AGA Medical Corp.

By its attorneys,

s/R.J. Zayed

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